

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEBRASKA

THOMAS E. MORIARTY,)
Plaintiff,) 8:04CV330
vs.)
CAPITAL MANAGEMENT)
SERVICES, INC.,)
Defendant.) PROTECTIVE ORDER

This matter is before the Court for a Protective Order pursuant to Fed. R. Civ. P. 26(c) and NECivR 5.3. The Court otherwise fully advised in the premises finds that there is good cause for entry of a Protective Order, finds and concludes that a Protective Order should be and hereby is entered as follows:

IT IS ORDERED:

1. This Order shall govern the handling of the plaintiff's credit report(s), credit files, and personal identification information, all of which is considered confidential information for the purposes of this protection order.
2. The provisions of this Order shall apply to (a) the named parties in this litigation, (b) all counsel of record in this litigation, including their office staff, and (c) expert witnesses.
3. If either party intends to submit any credit report or credit information to the court, the party shall move pursuant to NECivR 5.4 to file said information under seal.
4. Confidential information governed by this Order shall not be given, shown, made available, communicated, or disclosed to anyone other than:
 - a. The parties;
 - b. The attorneys of record, and their staff working on this action;
 - c. Court personnel and employees, including stenographic reporters;
 - d. Expert witnesses retained in connection with this litigation, only to the extent such disclosure is reasonably necessary to assist them in the preparation or conduct of this litigation; and

e. Potential witnesses and deponents to whom counsel, in good faith, believe that the disclosure is reasonably necessary to assist them in the litigation.

5. At the conclusion of this litigation, whether by final judgment, dismissal or otherwise, or the exhaustion of any appeals, counsel of record in this litigation must return to the other party copies of any "confidential information" as defined by the terms of this Order.

6. The terms of this Order shall survive any settlement, discontinuance, dismissal, severance, judgment or other disposition of this litigation, and the Court shall have jurisdiction to enforce the terms of this Order.

7. Nothing in this Order shall prevent any party, after providing notice to all other parties, from applying to the Court for modification of this Protective Order.

DATED this 25th day of October, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

Prepared and Submitted By:

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